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Filing Date: April 8, 2004
Title: METHOD AND SYSTEM FOR VERIFYING THE CONFIGURATION OF AN ACCESS DEVICE

REMARKS

This responds to the Final Office Action mailed on <u>May 30, 2008</u>.
No claims are amended, no claims are canceled, and no claims are added; as a result, claims
1, 3-35 remain pending in this application.

Examiner Interview Summary

Applicants would like to thank Examiner Longbit Chai for the courtesy of a phone
interview on June 24, 2008 between the Examiner and Applicants' representative Ali Mireshghi.
During the interview, the claims and the cited references were discussed and Applicants'
representative clarified the claim 1 limitations of "establishing a communications link. . .
<u>including communicating an agent to the client access device, the agent operable to identify the
client device configuration;</u>" and "<u>receiving client device configuration data from the agent</u>" over
the communications link during an authentication and authorization exchange." The examiner
would consider Applicants' arguments and would suggest Examiner's Amendments that would
place the claims in a condition for allowance.

Claim Objections

Claims 1 and 30 were objected to because of the following informalities: the original
claim limitation, filed on 1024/2007, includes "processing the client device configuration data
includes determining if the client device configuration data meets predetermined security
requirements."

Applicants submit that deletion of claims 1 and 30 limitation of "processing the client
device configuration data includes determining if the client device configuration data meets
predetermined security requirements" in the Applicants' response filed on 4/29/2008 was just a
mistake. This claim limitation was meant to be striked-out (as was done in claims 16, 32 and 34)
but unintentionally was deleted. Thus, Applicants respectfully request the claim objections be
withdrawn.

§102 Rejection of the Claims

Claims 32 and 34 were rejected under 35 U.S.C. § 102(e) for anticipation by Grootwassink (U.S. 7,031,705).

Applicants respectfully submit that the Final Office Action did not make out a *prima facie* case of anticipation because the Grootwassink does not disclose each and every claim element.

To anticipate a claim, the reference must disclose every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." [1]

Claim 32 recites, in pertinent part:

"authenticating a user associated with the client access device in an authentication and authorization exchange involving <u>an agent communicated to the client access device, the agent operable to identify the client device</u>, wherein the user is a subscriber of the second service access provider."
(Emphasis added throughout)

The Final Office Action, in rejecting claim 32, when discussing this limitation relies on Grootwassink at col. 5 Line 35 – 47 and col. 2, lines 47-67, and states:

"the <u>initial registration process initiated by the client mobile unit that includes a series of registration granting /denial exchange messages between the VLR and the mobile unit does match the claim language</u> " [2]

Applicants respectfully disagree that the initial registration process <u>initiated by the client mobile unit</u> including <u>a series of registration granting /denial exchange messages between the VLR and the mobile unit</u> matches the claim language. Applicants submit that, Grootwassink in the cited passages does not describe *an agent communicated to the client access device, the agent operable to identify the client device*. Grootwassink merely states that "the visited system service provider attempts to find the wireless unit's identification" and "HLR examines the wireless units identification to determine if it is valid." However, the reference is silent with respect to the claim 32 limitation of "*authenticating a user associated with the client access device in an authentication and authorization exchange involving <u>an agent communicated to the client access device, the agent operable to identify the client device</u>,*" as recited in claim 32.

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[1] <u>Verdegaal Bros. v. Union Oil Co. of California</u>, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)
[2] Final Office Action, page 4

Therefore, at least for the reasons set forth above, Grootwassink fail to disclose each and every limitation of claim 32. Accordingly, claim 32 is not anticipated by Grootwassink and is allowable.

Similar arguments as presented with respect to claim 32 are also applicable to a consideration of claim 34. Thus, at least for the reasons noted above, claim 34 is also allowable.

Therefore, Applicants respectfully request the claim rejections under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

§103 Rejection of the Claims

Claims 1 and 3-31, 33 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Grootwassink (U.S. 7,031,705) in view of Albert et al. (U.S. 2003/0177389, hereinafter "Albert").

For the reasons set forth below, Applicants respectfully submit that this rejection is in error, and the identified claims are non-obvious over Grootwassink and Albert, and are therefore allowable. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. [3]

Claim 1 recites, in pertinent part:

> establishing a communications link with the client access device to authenticate and authorize the user, including communicating an agent to the client access device, the agent operable to identify the client device configuration;
> receiving client device configuration data from the agent over the communications link during an authentication and authorization exchange. (Emphasis added throughout)

The Final Office Action, at pages 2 and 3, in responding to the arguments presented in the Applicants' previous response (filed on 4/29/2008), states:

> "Grootwassink teaches when a client mobile unit powers-on, the mobile unit first sends a registration request to a serving MSC when roaming into a VLR (Grootwassink: Column 5 Line 35 - 47) and therefore, after that, if a wireless unit initiates a communication in a visited service area, the VLR should be able to allocate the client mobile unit's identification information - If it can not find the required information, then it starts querying HLR (Grootwassink: Column 2 Line

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[3] *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)

48 - 51). <u>Examiner notes the initial registration process initiated by the client mobile unit communicating with VLR evidently includes a series of registration granting /denial exchange messages between the VLR and the mobile unit and as such the process indeed matches the claim language</u> "including communicating an agent to the client access device, the anent operable to identify the client device configuration" as recited in the amended claim." [4]

Applicants respectfully disagree that the client mobile unit communicating with VLR including a series of registration granting /denial exchange messages between the VLR and the mobile unit matches the claim language. Applicants respectfully submit that, as also argued in the Applicants' previous response (filed on 4/29/2008), Grootwassink in the cited passages does not disclose the claim 1 limitation of *"establishing a communications link . . ., including communicating an agent to the client access device, the agent operable to identify the client device configuration,"* as recited in claim 1.

Furthermore, since Grootwassink does not disclose *communicating an agent to the client access device, the agent operable to identify the client device configuration,* it accordingly stands to reason that, in the absence of any teaching of an agent device *operable to identify the client device configuration* in Grootwassink, there can be no teaching in this reference of *receiving client device configuration data from the agent.* As such, Grootwassink does not describe the limitation of *"receiving client device configuration data from the agent,"* as recited in claim 1.

Albert is directed to "a system providing methods for a device to apply a security policy required for connection to a network." The Final Office Action did not use Albert to show the claim 1 limitations discussed above and Applicants could not find the limitation in the disclosures of Albert. Thus, Albert fails to remedy the failure of Grootwassink in showing the limitations that were shown to be missing from Grootwassink. Therefore, Applicants respectfully submit that there are substantial differences between what is claimed and what the Final Office Action contends to be shown in Grootwassink and Albert, whether they are considered separately or in combination. Because the cited documents do not show all of the elements of the claimed subject matter of the amended claim 1, those differences are significant and non-obvious to a person of ordinary skill in the art at the time the application was filed.

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[4] Final Office Action, pages 2 and 3

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Thus, claim 1 and its dependent claims 3-15 are not rendered obvious by the combination and are allowable.

The same arguments as presented with respect to claim 1 are also applicable to a consideration of claims 16, 30, 32, and 34. As such, Applicants respectfully submit that, for at least the same reasons noted above with respect to claim 1 , amended independent claims 16, 30, 32, and 34 and their dependent claims 17-29, 31, 33, and 35 are also allowable.

Accordingly, it is respectfully requested the claim rejections under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

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CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney 408-278-4042 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date ____07/25/2008____   By _/ _____ /_____
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